

Board of Police Commissioner's Meeting
November 22, 2022 4:30 p.m., 299 Page Blvd., Springfield, MA

EXECUTIVE SESSION MINUTES (approximately 5:10p.m.)

Motion by Commissioner Fernandez to move to a hearing. The motion failed without a second.

Attorney Allen states officers submit/agree to all of the facts

Discussion on potential of suspensions and back pay.

Motion by Commissioner Tranghese that Chapter 31 does not apply to these matters. Seconded by Dr. Berte.

Roll Call vote

(in favor: Berte, Tranghese) (absent: Jackson, Roldan)

(against: Fernandez)

Rule 15, Section 4: Because a police officer serves the entire city and not merely a particular place or post, it is his duty to give proper attention to violations of the law committed in his sight anywhere within the City, especially such as involves injury or the risk of property.

Sustained by all three Commissioners for both officers

(in favor: Berte, Tranghese, Fernandez) (absent: Jackson, Roldan)

Rule 15, Section 8: When a disturbance occurs, the Police Officer instantly proceeds to the spot and uses his best efforts to restore quiet. If any person has committed any crime for which an arrest is allowed by law, or by loud outcries, or otherwise persists in disturbing the peace, the person so offending may be arrested. Police Officers shall see that sidewalks are not obstructed by persons loitering thereon.

Sustained by all three Commissioners for both officers

(in favor: Berte, Tranghese, Fernandez) (absent: Jackson, Roldan)

Rule 15, Section 10: The Police Officer takes particular notice of all places where intoxicating liquors are sold and reports all unlicensed place and all places where the the terms of the license where the liquor is sold are not fully met. He notes all junk shops, all shops of second-hand dealers and pawnbrokers, all gatherings which are contrary to law, all places of amusement, all licensed persons and places within his post, as well as

gambling houses, dancing, or prize-fighting places, mock-auction rooms, places for licensed sales of lottery tickets, narcotic drugs, and houses of ill fame, keeping a list of them in his book for reference and reporting them to his commanding officer. He shall make a written report of all disturbances at, in, or near liquor establishments.

Sustained by all three Commissioners for both officers

(in favor: Berte, Tranghese, Fernandez) (absent: Jackson, Roldan)

Rule 15, Section 26: The officer, upon arriving at the scene of a personal injury, shall assess the nature of the injury and, if necessary call for medical assistance. To the extent of their training, the officer shall treat the patient until medical assistance arrives. The patient may be transported in a Department vehicle only if the injury or illness is of minor nature. An ambulance will be used to transport patients because medical necessity to prevent significant aggravation or deterioration of the patient's condition, or because the condition of the patient is unknown and could reasonably be suspected to warrant the use of the ambulance. When in doubt, a call for an ambulance must be made.

The ambulance crew, upon arriving at the scene, will assume responsibility for the patient. The medical needs of the patient shall take precedence over all matters and the officer will assist the medical personnel to the extent possible.

Deviations from the above procedure will be allowed only for serious public safety considerations. In such a case, a report shall be transmitted as soon as practicable to the Chief of Police with the reason for such deviation.

Sustained by all three Commissioners for both officers

(in favor: Berte, Tranghese, Fernandez) (absent: Jackson, Roldan)

Rule 29: CONDUCT: Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect favorably on the department. Conduct unbecoming an officer shall include that which tends to indicate that the employee is unable or unfit to continue as a member of the Department. Conduct unbecoming an employee shall include that which tends to impair the operation of the Department for its.

Sustained by all three Commissioners for both officers

(in favor: Berte, Tranghese, Fernandez) (absent: Jackson, Roldan)

Rule 29: RESPECTFUL TREATMENT: Employees shall, on all occasions, be civil and respectful, courteous and considerate toward their supervisors, their subordinates, and all other members of the Department and the general public. No employee shall use epithets or terms that tend to denigrate a particular race or ethnic group except when necessary in police reports.

Sustained by all three Commissioners for both officers

(in favor: Berte, Tranchese, Fernandez) (absent: Jackson, Roldan)

Rule 29: DIRECTIVE AND ORDERS: Employees shall obey and comply with all rules, orders and other directives of the Department whether transmitted verbally or in writing. Employees shall obey all rules and orders of a Superior Officer, Officer of Rank, or supervisor.

Sustained by all three Commissioners for both officers

(in favor: Berte, Tranchese, Fernandez) (absent: Jackson, Roldan)

Rule 29, Section 1: All members of the Department shall obey the Rules and Regulations as set forth herein, the Ordinances of the city of Springfield, the laws of the Commonwealth of Massachusetts and of the United States of America, and shall perform their duties with silent courage, discretion, placing the safety and welfare of the City of Springfield and its citizens first at all times.

Members of the Police Department must obey all Springfield Police Department rules and regulations, all laws created by the City of Springfield, all state laws and all federal laws.

The safety and welfare of the City of Springfield and its residents is paramount in decision making by employees. Any discretion afforded employees in performing their duties must be based on reasonable judgement. Reasonable judgement is fair, sensible, and rational decision making.

Sustained by all three Commissioners for both officers

(in favor: Berte, Tranchese, Fernandez) (absent: Jackson, Roldan)

Rule 29: Section 2: Coolness and firmness are expected of every member of the Department. In time of peril, emergency, or danger, members of the

Department shall assist each other and act together as far as possible. Any cowardice or shirking of duty in the face of danger or emergency shall be cause of disciplinary action which may include dismissal.

Every member of the Department shall be quiet, civil, and orderly in the performance of his duty: shall be attentive and zealous exercising patience and forbearance and at all times, even under provocation: and shall refrain from harsh, violent, coarse or profane language.

Sustained by all three Commissioners for both officers

(in favor: Berte, Traghese, Fernandez) (absent: Jackson, Roldan)

Rule 29, Section 9: Members of the Department shall not conduct themselves in an immoral, indecent, lewd, or disorderly manner, or in a manner that might be construed as immoral, indecent, lewd or disorderly. They shall not be guilty of misconduct, neglect of duty, conduct unbecoming an Officer and a gentlemen, or acts tending to discredit the Department, even though such conduct is not specifically set for these Rules and Regulations.

Sustained by all three Commissioners for both officers

(in favor: Berte, Traghese, Fernandez) (absent: Jackson, Roldan)

Rule 29, Section 30: All members of the Department, regardless of assignment or rank, are expected to enforce and take proper action in regard to all laws of the Commonwealth and Ordinances of the City at all times.

Sustained by all three Commissioners for both officers

(in favor: Berte, Traghese, Fernandez) (absent: Jackson, Roldan)

Rule 29, Section 32: DEPARTMENTAL REPORTS -TRUTHFULNESS:

Employees shall submit all necessary reports on time and in accordance with established Departmental procedures. Reports submitted by employees shall be truthful and complete. No employee shall knowingly enter, or cause to be entered, any inaccurate, false, or improper information.

There are reports that are required under Departmental procedures. These reports have to be written within a specified time period and must comply with Department rules.

Knowingly means something is done with knowledge that the information is inaccurate, false or improper. An employee shall not knowingly enter any inaccurate, false or improper information and shall not be the basis or origin of any inaccurate false or improper information included in a report.

Not Sustained by all three Commissioners for both officers

(against: Berte, Tranghese, Fernandez) (absent: Jackson, Roldan)

Rule 29, Section 34: ABUSE OF PROCESS - WITHHOLDING EVIDENCE:

Officers shall not intentionally manufacture, tamper with, falsify, destroy, or withhold evidence or information nor make false accusations of a criminal charge or seek to influence the outcome of any investigation.

Not Sustained by all three Commissioners for both officers

(against: Berte, Tranghese, Fernandez) (absent: Jackson, Roldan)

Rule 29, Section 38: SITUATIONS INVOLVING OFF- DUTY

SPRINGFIELD OFFICERS: When an on duty Officer is confronted with a situation in which the conduct of a Springfield Police Officer is in question, that Officer shall follow appropriate and normal Police procedures and as soon as possible, shall notify the Commanding Officer on duty and request that a Superior Officer, or Officer of Rank respond.

Not Sustained by all three Commissioners for both officers

(against: Berte, Tranghese, Fernandez) (absent: Jackson, Roldan)

Rule 29, Section 42: Whenever any matter comes to the attention of any member of the Department which indicates that another member of the Department may have been involved in the violation of the law, the Rules and Regulations of this Department, or the written orders issued by the chief of Police, the member to whose attention such matter comes shall immediately report it in writing before the end of his tour of duty (or if the information is received while he is off duty, during his next tour of duty) to his Superior Officer, who shall forthwith transmit it with his written endorsement through the chain of command to the Chief of Police. Upon

receipt of such a report by the Chief of Police, he shall immediately notify the Board of Police Commissioners of the existence of the report, and he shall be refer it for investigation. When the investigation has been completed, a report of the same shall be presented to said board by the Chief at the next meeting. This section shall not diminish the authority of the Chief or of said Board to take such disciplinary or other action as either deems appropriate at any stage of the matter.

Sustained by one Commissioner for both officers

Not sustained by two Commissioners for both officers

(in favor: Fernandez) (absent: Jackson, Roldan)

(against: Berte, Tranghese)

MGL Chapter 31, Section 50: No person habitually using intoxicating liquors to excess shall be appointed to or employed or retained in any civil service position, nor shall any person be appointed to or employed in any such position within one year after his conviction of any crime except that the appointing authority may, in its discretion, appoint or employ within such one-year period a person convicted of any of the following offenses: a violation of any provision of chapter ninety relating to motor vehicles which constitutes a misdemeanor or, any other offense for which the sole punishment imposed was (a) a fine of not more than one hundred dollars, (b) a sentence of imprisonment in a jail or house of correction for less than six months, with or without such fine, or (c) a sentence to any other penal institution under which the actual time served was less than six months, with or without such fine. Violations of statutes, ordinances, rules and regulations regulating the parking of motor vehicles shall not constitute offenses for purposes of this section.

Not Sustained by all three Commissioners for both officers

(against: Berte, Tranghese, Fernandez) (absent: Jackson, Roldan)

Motion by Commissioner Tranghese and seconded by Dr. Berte to reinstate Officers Billingsley and C. Cicero effective November 23.

Roll call vote

(in favor: Berte, Tranghese) (absent: Jackson, Roldan)

(against: Fernandez)

The motion carried with two in favor and one against (Commissioner Fernandez)

Motion by Commissioner Berte to return to open session. Seconded by Dr. Berte and Commissioner Fenandez

Roll Call vote

(in favor: Berte, Tranghese, Fernandez) (absent: Jackson, Roldan)